

**STATE OF MICHIGAN  
IN THE 4<sup>th</sup> JUDICIAL CIRCUIT COURT COUNTY OF JACKSON  
CRIMINAL DIVISION**

**PEOPLE OF THE STATE OF MICHIGAN**  
**Plaintiff,**

**Case No. 20-003172-FH**  
**Hon. Thomas Wilson**

**V**

**JOSEPH MORRISON**  
**Defendant.**

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MICHIGAN ATTORNEY GENERAL'S OFFICE  
SUNITA DODDAMANI (P67459)  
ASSISTANT ATTORNEY GENERAL  
3030 W. GRAND BLVD  
DETROIT, MI 48202  
(313) 456-0180

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NICHOLAS P. SOMBERG (P80416)  
SOMBERG LAW, PLLC  
Attorney for Joseph Morrison  
31700 Telegraph Rd. Suite 210  
Bingham Farms, MI 48025  
T: (248) 270-5979

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**DEFENDANT'S MOTION TO  
DISMISS BASED UPON ENTRAPMENT**

Now, here comes the defendant, Joseph Morrison, by and through his attorney, Nicholas P. Somberg of Somberg Law, PLLC, and states the following to this honorable Court:

1. Pete Musico, Joe Morrison, Paul Bellar, and a Confidential Informant met Adam Fox at a lawful political rally in June of 2020.<sup>i</sup>
2. A decision was made to meet with Adam Fox in Grand Rapids. Paul Bellar went to Grand Rapids at the request of Joe Morrison.<sup>ii</sup>
3. After leaving the meeting in Grand Rapids, Paul Bellar immediately indicates that Adam Fox is crazy. He clearly expressed that they should not associate with him.<sup>iii</sup>

4. On at least one occasion, Adam Fox asks Paul Bellar to take an Oath to his organization. Mr. Bellar declines.<sup>iv</sup>
5. Joe Morrison and the Confidential Informant were discussing whether or not to invite Adam Fox to Munith, Michigan for training.
6. Joe Morrison expressly told the Confidential Informant that he did not want to associate with Adam Fox.
7. The Confidential Informant told Joe Morrison that Adam Fox was the real deal and insisted that they should meet with him.
8. The Confidential Informant calls Adam Fox, while two F.B.I. agents listened in and invited him to train in Munith, Michigan. The Confidential Informant was not told or requested by any member of the Wolverine Watchmen to make that call.<sup>v</sup>
9. The Confidential Informant at the direction of the Federal Agents instigated the connection between Adam Fox and the Wolverine Watchmen, knowing that Adam Fox was dangerous.<sup>vi</sup>
10. The conduct that occurred after the government endorsed, instigated, and encouraged the connection between Adam Fox and the Wolverine Watchmen is the subject matter of these charges.
11. Unlike the federal government, Michigan uses an objective test for entrapment which focuses on the conduct of the government agents rather than the predisposition of the defendant.<sup>vii</sup>
12. A defendant has been entrapped if either, (1) the police engage in impermissible conduct that would induce an otherwise law-abiding person similarly situated to the defendant to

commit the crime, or (2) the police engaged in conduct so reprehensible that it cannot be tolerated by the courts.<sup>viii</sup>

13. The defendant has the burden of proving entrapment by a preponderance of the evidence.<sup>ix</sup>

14. The evidence is clear that the Defendant's would not have associated with Adam Fox but for the intervention, endorsement, and instigation of the Federal Agents through their Confidential Informant.

Wherefore, we humbly ask this Court to hold that by a preponderance of the evidence that the Defendant's would not have associated with Adam Fox or given him any assistance but for the conduct of the government.

Respectfully Submitted,

/s/ Nicholas P. Somberg

NICHOLAS P. SOMBERG (P 80416)  
SOMBERG LAW, PLLC  
31700 Telegraph Rd.  
Bingham Farms, MI 48025  
248/270-5979//248/590-0166 fax  
[Nick@Somberglaw.com](mailto:Nick@Somberglaw.com)

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<sup>i</sup> Pre. Exam Trans. p159 lines 6-13

<sup>ii</sup> Pre. Exam Trans. p161 lines 15-23

<sup>iii</sup> Pre. Exam Trans p248 lines 15-24

<sup>iv</sup> Pre. Exam Trans p262 lines 13-18

<sup>v</sup> Pre. Exam Trans Volume 2 p40 lines 8- p52 line21

<sup>vi</sup> Pre. Exam Trans Volume 2 p56 lines 4-18

<sup>vii</sup> People v. Turner, 390 Mich. 7 (1973); People v. Jamieson, 346 Mich. 61 (1990); People v. Juillet, 439 Mich. 34 (1991); People v. Johnson, 466 Mich. 491 (2002)

<sup>viii</sup> People v. Milstead, 250 Mich. App. 391 (2002); People v. Fabiano, 192 Mich. App. 523 (1992)

<sup>ix</sup> People v. Pegenau, 447 Mich. 278 (1994); People v. D'Angelo, 401 Mich. 167 (1977)